

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

APRIL 12, 2007

The Marlboro Township Council held its regularly scheduled meeting on April 12, 2007 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2007; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilwoman Morelli, Councilman Pernice, Council Vice President Rosenthal (8:15PM), Councilwoman Tragni and Council President Cantor.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

The following Res. # 2007-128/Ord. # 2007-8 (Exceed CAP) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-128

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-8

CALENDAR YEAR 2007

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on April 26, 2007 at 7:30 p.m. at the Greenbriar North Clubhouse, 21 Clubhouse Lane, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2007-8

CALENDAR YEAR 2007

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Marlboro in the County of Monmouth finds it advisable and necessary to increase its CY 2007 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council of the Township of Marlboro hereby determines that an increase of up to 3.5% in the budget for said year, in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final

budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2007 budget year, the final appropriations of the Township of Marlboro shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by an amount not to exceed 3.5%, and that the CY 2007 municipal budget for the Township of Marlboro be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

The following Res. # 2007-129/Ord. # 2007-9 (Multi- Way Stop Intersection Texas & Spring Valley Road) was introduced by reference, offered by Councilwoman Morelli and seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

#### RESOLUTION # 2007-129

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

#### ORDINANCE # 2007-9

AN ORDINANCE AMENDING SECTION 138-45 "SCHEDULE VIII: STOP INTERSECTIONS" OF CHAPTER 138 "VEHICLES AND TRAFFIC", ARTICLE XIV "SCHEDULES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO DESIGNATE TEXAS ROAD AND SPRING VALLEY ROAD AS A MULTI-WAY STOP INTERSECTION IN THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on April 26, 2007 at 7:30 p.m. at the Greenbriar North Clubhouse, 21 Clubhouse Lane, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2007-9

AN ORDINANCE AMENDING SECTION 138-45 "SCHEDULE VIII: STOP INTERSECTIONS" OF CHAPTER 138 "VEHICLES AND TRAFFIC", ARTICLE XIV "SCHEDULES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO DESIGNATE TEXAS ROAD AND SPRING VALLEY ROAD AS A MULTI-WAY STOP INTERSECTION IN THE TOWNSHIP OF MARLBORO

WHEREAS, Section 138-45 of the Code of the Township of Marlboro identifies those intersections which are designated as stop intersections; and

WHEREAS, the Township of Marlboro Division of Police has recommended for public safety purposes that Section 138-45 be amended to designate the intersection of Texas Road and Spring Valley Road as a multi-way stop intersection; and

WHEREAS, the Township of Marlboro Division of Police has requested and been granted approval by the New Jersey Department of Transportation, Bureau of Engineering and Investigations for the establishment of a multi-way stop intersection at the intersection of Texas Road and Spring Valley Road; and

WHEREAS, in the interest of the health, safety and general welfare of the residents of the Township of Marlboro, the Township Council desires to amend Section 138-45 in accordance with the recommendations of the Division of Police and the New Jersey Department of Transportation, Bureau of Engineering and Investigations.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 138 "Vehicles and Traffic", Article XIV "Schedules", Section 138-45 "Schedule VIII: Stop Intersections" of the Code of the Township of Marlboro is hereby amended and supplemented to designate the intersection of Texas Road and Spring Valley Road as a multi-way stop intersection.

Stop Sign on  
Texas Road and Spring Valley Road

At Intersection of  
All approaches

BE IT FURTHER ORDAINED, that all signs, posts, or other necessary materials, shall be installed to effectuate the intent of this Ordinance; and

BE IT FURTHER ORDAINED, that if any part of this Ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portion of the Ordinance.

The following Res. # 2007-130/Ord. # 2007-10 (Vacation of Unnamed Paper Street) was tabled to a future meeting.

Res. #2007-131/Ord. #2007-11 was introduced by reference, offered by Council President Cantor and seconded by Council Vice President Rosenthal. Discussion followed, during which Chief Robert Homes and Deputy Chief Eric Landau were present to answer Council's questions. After discussion, Councilwoman Morelli motioned to table Res. # 2007-131/Ord. # 2007-11 to a future agenda in order to obtain additional information from surrounding towns. This was seconded by Councilman Pernice and was passed on a roll call vote of 3 - 2 in favor of tabling, with Council President Cantor and Council Vice President Rosenthal voting no.

The following Res. # 2007-132 (Temporary Emergency Appropriation) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

#### RESOLUTION # 2007-132

##### EMERGENCY TEMPORARY RESOLUTION PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation in anticipation of the adoption of the 2007 Municipal budget; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2006 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$15,013,278.52 for the municipal budget and \$519,862.50 for the operations of the swim utility;

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation has been provided for in the CY 2007 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Appropriations exceeding 50% of 2006 funding levels are in **bold**

<u>Current Fund</u>	2006 Operating Budget	2007 Temporary Emergency
Administration (30)		
Salary & Wages	227,500.00	113,750.00
Other Expenses	57,460.00	28,730.00
Office of the Mayor (10)		
Salary & Wages	60,000.00	30,000.00
Other Expenses	5,700.00	2,850.00
Ethics Commission		
Salary & Wages	0.00	0.00
Other Expenses	8,000.00	4,000.00
Township Council (21)		
Salary & Wages	18,000.00	9,000.00
Other Expenses	8,000.00	4,000.00
Public Information		
Salary & Wages	10,500.00	5,250.00
Other Expenses	38,600.00	19,300.00
Municipal Clerk (20)		
Salary & Wages	180,000.00	90,000.00
Other Expenses	67,800.00	33,900.00

Finance		
Salary & Wages	222,500.00	111,250.00
Other Expenses	32,000.00	16,000.00
Annual Audit	47,500.00	0.00
Central Computer Services		
Salary & Wages	30,000.00	15,000.00
Other Expenses	27,740.00	13,870.00
Tax Collector		
Salary & Wages	215,000.00	107,500.00
Other Expenses	33,750.00	16,875.00
Tax Assessor		
Salary & Wages	190,000.00	95,000.00
Other Expenses	96,750.00	48,375.00
Legal Services		
Other Expenses	460,000.00	230,000.00
Engineering Services		
Salary & Wages	283,000.00	141,500.00
Other Expenses	120,000.00	<b>75,000.00</b>
Economic Development		
Salary & Wages		
Other Expenses	500.00	0.00
Community Relations		
Other Expenses	0.00	0.00
Inter- Governmental Relations		
Other Expenses	1,000.00	0.00
Homeland Security		
Salary & Wages	45,000.00	22,500.00
Other Expenses	48,500.00	24,250.00
Historic Sites Commission		
Other Expenses	3,000.00	1,500.00
Planning Board		
Salary & Wages	70,000.00	35,000.00
Other Expenses	32,800.00	16,400.00

Planning Board Contractual Other Expenses	43,380.00	21,690.00
Zoning Board		
Salary & Wages	147,000.00	73,500.00
Other Expenses	45,800.00	22,900.00
Liability Insurance	399,500.00	<b>427,800.00</b>
Workers Comp	380,000.00	<b>482,700.00</b>
Group Insurance	2,445,900.00	<b>1,355,000.00</b>
Unemployment Insurance	10,000.00	5,000.00
Police		
Salary & Wages	7,490,000.00	3,745,000.00
Other Expenses	364,250.00	182,125.00
Crime Prevention		
Other Expenses	36,535.00	18,267.50
DARE Program		
Other Expenses	15,000.00	7,500.00
Highway Safety		
Other Expenses	32,400.00	16,200.00
Emergency Management		
Salary & Wages	20,000.00	10,000.00
Other Expenses	16,350.00	8,175.00
Aid to Volunteer Ambulance Companies		
Other Expenses	60,000.00	0.00
Uniform Fire Safety Act		
Salary & Wages	130,000.00	65,000.00
Other Expenses	16,428.00	8,214.00
Municipal Prosecutors Office		
Salary & Wages	31,200.00	15,600.00
Streets and Road Maint		
Salary & Wages	1,385,000.00	692,500.00



Other Expenses	45,720.00	22,860.00
Snow Removal		
Salary & Wages	75,000.00	50,000.00
Other Expenses	366,780.00	250,000.00
Public Works - Other		
Salary & Wages	330,000.00	165,000.00
Other Expenses	61,270.00	30,635.00
Shade Tree Commission		
Salary & Wages	2,000.00	1,000.00
Other Expenses	2,000.00	1,000.00
Solid Waste Collection		
Salary & Wages	25,000.00	12,500.00
Other Expenses	642,900.00	321,450.00
Buildings & Grounds		
Salary & Wages	527,500.00	263,750.00
Other Expenses	155,400.00	77,700.00
Vehicle Maintenance		
Salary & Wages	528,000.00	264,000.00
Other Expenses	114,550.00	57,275.00
Community Services Act		
Other Expenses	100,000.00	<b>35,000.00</b>
Open space Committee		
Salary & Wages	4,200.00	2,100.00
Public Health Services - Registrar		
Salary & Wages	6,500.00	3,250.00
Other Expenses	1,900.00	950.00
Drug Abuse Control		
Other Expenses	11,550.00	5,775.00
Environmental Health Services		
Salary & Wages		
Other Expenses	8,000.00	4,000.00
Animal Control Services		
Other Expenses	40,000.00	<b>30,000.00</b>

Recreation		
Salary & Wages	405,000.00	202,500.00
Other Expenses	136,100.00	68,050.00
Teen Program		
Salary & Wages	0.00	0.00
Other Expenses	15,000.00	7,500.00
Summer Youth Activities		
Salary & Wages	0.00	0.00
Other Expenses	7,000.00	3,500.00
Park Maintenance		
Salary & Wages	415,000.00	207,500.00
Other Expenses	28,930.00	14,465.00
Municipal Library		
Other Expenses	18,000.00	9,000.00
Little League		
Other Expenses	0.00	0.00
Pop Warner		
Other Expenses	0.00	0.00
Prior Year Bills	39,319.21	<b>6,650.00</b>
Accumulated Leave Compensation	1,000.00	0.00
Contingent		
Other Expenses	0.00	10,000.00
Deficit in Animal control	14,583.47	0.00
Postage		
Other Expenses	53,000.00	26,500.00
Electricity	290,400.00	145,200.00
Street Lighting	562,500.00	281,250.00
Telephone	123,600.00	61,800.00
Water	15,600.00	7,800.00

Natural Gas	80,000.00	40,000.00
Sewer	7,500.00	3,750.00
Gasoline	385,000.00	192,500.00
Landfill Disposal Costs	250,000.00	125,000.00
PERS	133,000.00	<b>273,000.00</b>
FICA	950,000.00	475,000.00
Municipal Court		
Salary & Wages	310,000.00	155,000.00
Other Expenses	126,600.00	63,300.00
Public Defender		
Salary & Wages		
Other Expenses	17,000.00	8,500.00
Affordable Housing		
Salary & Wages	9,000.00	4,500.00
Other Expenses	4,700.00	2,350.00
Police Dispatch 911		
Salary & Wages	575,000.00	287,500.00
Other Expenses	224,480.00	112,240.00
LOSAP		
Other Expenses	75,000.00	0.00
PFRS		
Other Expenses	617,500.00	<b>1,032,500.00</b>
Library County Contract		
Other Expenses	5,500.00	0.00
SFSP Fire District Payments		
Other Expenses	14,229.00	0.00
Clean Communities Act	32,713.86	2,408.34
Monmouth Drug & Alcohol		
Grant Share	33,095.00	0.00
Local Share	8,273.75	0.00

Recycling tonnage Grant	15,913.00	<b>19,458.87</b>
Child Passenger Safety	0.00	0.00
Body Armor Grant	6,694.65	<b>7,011.10</b>
StormWater Regulation Grant	15,464.00	0.00
Developer Contributions - Park Imps	255,000.00	0.00
Alcohol Rehab Grant	0.00	353.71
Click It or Ticket	4,000.00	0.00
NJDOT Safe Streets	40,000.00	0.00
Matching Funds for Grants	11,366.00	0.00
Secure Our Schools Grant		
Grant Share	131,307.50	0.00
Local Match	131,307.50	0.00
Drunk Driving Enforcement S&W	7,307.76	0.00
Handicapped Rec Opportunities Grant		
Grant Share	4,910.00	0.00
Local Share	0.00	
Capital Improvement Fund		
Other Expenses	0.00	0.00
Union Hill Parking Lot Improvements	0.00	<b>75,000.00</b>
Acquisition of Right of Way	0.00	<b>5,000.00</b>
Bond Principal	1,696,000.00	<b>400,000.00</b>
Bond Interest	795,750.00	<b>450,000.00</b>
Note Principal	0.00	<b>41,175.00</b>
Note Interest	117,000.00	<b>60,935.00</b>

Green Acres Trust - P & I	28,865.00	<b>28,865.00</b>
Capital Lease program		
Principal	450,000.00	<b>0.00</b>
Interest	72,000.00	<b>30,000.00</b>
Emergency Authorizations	105,000.00	0.00
Deferred Charges	0.00	0.00
Reserve for Uncollected Taxes	1,700,000.00	0.00
Totals	30,329,122.70	15,013,278.52

### **Swim Utility**

2006  
Operating  
Budget

2006  
Temporary  
Budget

### **Appropriations**

Salary & Wages	444,000.00	111000
Other Expenses	454,300.00	113575
Capital Outlay	120,000.00	30000
Payment of Bond Principal	10,000.00	<b>2500</b>
Payment of Bond Anticipation Notes		
Payment of Bond Interest	1,700.00	<b>425</b>
Payment of Note Principal		
Public Employees Retirement System		
FICA		
Unemployment		

The following Res. # 2007-133 (Deferred School Tax) was introduced by reference, offered by Councilman Pernice and seconded by Councilwoman Morelli. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-133

WHEREAS, the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey wish to defer school tax as promulgated by the Division of Local Government Services,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey to increase the Township's deferred school taxes as of December 31, 2006 as follows;

	<u>From</u>	<u>To</u>	<u>Increase</u>
Local District School	\$25,194,761.79	\$27,100,000.00	\$1,905,238.21
Regional High School	\$12,125,000.00	\$12,525,000.00	\$ 400,000.00
Total	\$37,319,761.79	\$39,625,000.00	\$2,305,238.21

The following Res. # 2007-134 (Award of Professional Services Contract - Birdsall) was introduced by reference, offered by Councilwoman Morelli and seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-134

A RESOLUTION AUTHORIZING THE EXECUTION OF PROFESSIONAL  
SERVICES CONTRACTS BETWEEN  
BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO  
FOR VARIOUS ENGINEERING SERVICES

WHEREAS, the Township of Marlboro is in need of professional engineering services for certain projects; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Birdsall Engineering, Inc. has submitted the following proposals (the "Proposals") to the Township of Marlboro to provide the aforementioned professional engineering services:

- 1) Environmental Services related to the Gong Property Wetland Delineation (Block 172, Lot 32) for an amount not to exceed \$5,800.00;

- 2) Green Acres Survey for the DiMeo Property (Block 160, Lot 8) for an amount not to exceed \$9,900;
- 3) Planning Services related to the Petition for Substantive Certification and Mediation in connection with COAH for an amount not to exceed \$35,000.00;

WHEREAS, the Chief Financial Officer has certified in writing that certain of these proposals will exceed \$17,500; and

WHEREAS, Birdsall Engineering, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Birdsall Engineering, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Birdsall Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services in accordance with the Proposals; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute contracts, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contracts, which is attached hereto, and that sufficient funds are available for said contacts from the following account numbers:

- 1) Wetland Delineation - G-07-41-200-399
- 2) Green Acres Survey - X-04-55-946-901
- 3) Planning Services/COAH - T-18-56-858-028

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc., Eatontown, NJ
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. # 2007-135 (Award of Professional Services Contract - Scarinci & Hollenbeck - Special Counsel) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-135

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
SPECIAL COUNSEL SERVICES BETWEEN THE TOWNSHIP OF MARLBORO  
AND SCARINCI AND HOLLENBECK, LLC

WHEREAS, there exists a need for the Township Attorney to employ special counsel to provide legal services to the Township of Marlboro for special matters to be assigned by the Township Attorney; and

WHEREAS, the Township Attorney is authorized pursuant to Section 4-70 of the Township Code of the Township of Marlboro and the Professional Services Agreement between the Township of Marlboro and GluckWalrath, LLP to hire such additional counsel as he deems necessary, with the authorization of the Township Council; and

WHEREAS, the Township Attorney has deemed it necessary and in the best interest of the municipality to hire Scarinci and Hollenbeck, LLC to provide legal services to the Township of Marlboro for such special matters to be assigned by the Township Attorney for an amount not to exceed \$30,000; and

WHEREAS, the Chief Financial Officer has certified in writing that the aggregate fee for contracts to Scarinci and Hollenbeck, LLC will exceed \$17,500 for 2007; and,



WHEREAS, Scarinci and Hollenbeck, LLC has completed and submitted a Marlboro Township Business Entity Disclosure Certification, pursuant to N.J.S.A. 19:44A-20.8 and Section 26-1, *et seq.* of the Code of the Township of Marlboro; and

WHEREAS, Scarinci and Hollenbeck, LLC has completed and submitted the necessary disclosure of political contributions pursuant to N.J.S.A. 19:44A-20.26; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Township Attorney is hereby authorized to execute a contract between Scarinci and Hollenbeck, LLC and the Township of Marlboro for the provision of legal services for such special matters assigned by the Township Attorney in an amount not to exceed \$30,000. Scarinci and Hollenbeck, LLC shall perform only those legal services authorized by the Township Attorney; and

BE IT FURTHER RESOLVED IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 7-01-050-283;

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Scarinci and Hollenbeck, LLC
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. # 2007-136 (Confirming Contract - Bettina Durmaskin Sholk - Appraisal for Planning Incentive Grant) was introduced by reference, offered by Councilwoman Morelli

and seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-136

A RESOLUTION CONFIRMING THE EXECUTION OF A PROFESSIONAL  
SERVICES CONTRACT BETWEEN  
BETTINA DURMASKIN SHOLK AND THE TOWNSHIP OF MARLBORO FOR  
APPRAISAL SERVICES FOR BLOCK 155, LOT 13.03 AND 13.03Q IN  
CONNECTION WITH FARMLAND PRESERVATION

WHEREAS, the Township of Marlboro is in need of professional appraisal services for Block 155, Lot 13.03 and 13.03Q in connection with farmland preservation; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Bettina Durmaskin Sholk has submitted the attached proposal dated April 2, 2007 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$3,300.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Bettina Durmaskin Sholk to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Bettina Durmaskin Sholk and the

Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact from Account Number T-15-56-859-815.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Bettina Durmaskin Sholk
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. # 2007-137 (Authorizing Settlement Agreement - Jalaram Litigation) was introduced by reference, offered by Councilwoman Morelli and seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2007-137

A RESOLUTION AUTHORIZING THE SETTLEMENT AND RELEASE OF THE STATE AND FEDERAL LITIGATION ACTIONS BROUGHT BY JALARAM SEVA SAMAJ OF NORTH AMERICA, INC. AGAINST MARLBORO TOWNSHIP AND THE MARLBORO TOWNSHIP PLANNING BOARD

WHEREAS, Jalaram Seva Samaj of North America, Inc. ("Jalaram") is the owner of certain property located at Lots 25 and 26 in Block 115 in Marlboro, New Jersey (the "Property"), which is currently located in an R-60 residential zone; and

WHEREAS, Jalaram submitted an application to the Planning Board for site plan approval for the construction of a Hindu temple on the Property; and

WHEREAS, by Resolution dated October 5, 2005, the Planning Board denied that application for the reasons stated therein; and

WHEREAS, on or about August 26, 2002, Jalaram filed a complaint in lieu of prerogative writs against Marlboro and the Planning Board in the Superior Court of New Jersey, Law Division, Monmouth County, docket number L-

4171-02 (the "State Litigation") challenging the Planning Board's denial of its application; and

WHEREAS, on or about October 11, 2005, Jalaram filed a second complaint against Marlboro and the Planning Board in the United States District Court for the District of New Jersey, docket number Cv05-4950 (the "Federal Litigation") alleging, inter alia, violations of the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA") as well as challenging the validity of Marlboro Township Ordinance 2005-12; and

WHEREAS, Marlboro and the Planning Board filed answers in both the State Litigation and the Federal Litigation denying liability; and

WHEREAS, the parties now wish to discontinue both the State Litigation and the Federal Litigation and enter into a settlement agreement resolving their disputes in accordance with the terms and conditions set forth in attached Settlement Agreement and Release (the "Agreement"); and

WHEREAS, pursuant to said Agreement, in return for Jalaram dismissing the State Litigation and Federal Litigation and released the Township and Planning Board from all claims, the Township will introduce an ordinance amending the Marlboro Zoning Ordinances and Land Use Regulations to change the zoning of the Property to R-20 Residential District and allow for the development of four single family residential lots, and will waive any and all application fees in connection with Jalaram's subdivision application; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to agree to settle the Jalaram matter in the manner set forth in the Agreement in order to avoid the cost and uncertainty of litigation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the settlement of the Jalaram matter pursuant to the terms and conditions set forth in the Agreement is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor and the Township Attorney are hereby authorized to execute the Settlement Agreement and Release in a form substantially similar to the Agreement that is attached hereto and to execute any documents necessary to effectuate the terms of this settlement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. William J. Mehr, Esq., Attorney for Jalaram
- b. Dennis Collins, Esq., Attorney for the Marlboro Township Planning Board
- c. Gluck Walrath, LLP.

The following Res. # 2007-138 (Adopting Flexible Benefits Plan - AFLAC) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-138

RESOLUTION ADOPTING A FLEXIBLE BENEFITS PLAN

WHEREAS, the Township of Marlboro wishes to offer all eligible employees the flexible protection of individual insurance plans at no cost to the Township, such as accident/sickness disability insurance, cancer insurance, and life insurance; and

WHEREAS, the Township intends to provide an employee benefits plan within the context of Section 125 of the Internal Revenue Code for the benefit of its employees; and

WHEREAS, Coordinated Benefits Associates, Inc. (Carmin Iannacone), a voluntary benefits company specializing in supplemental insurance representing AFLAC, Allstate, Kanawha and like insurance companies, can provide assurance that employees will receive individual consultation and enrollment information from consultants of Coordinated Benefits Associates, Inc. on an ongoing basis, and all servicing will be handled by same; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Marlboro, hereby adopts the flexible benefits plan (consisting of the flexible benefits plan document, the adopted agreement, and component benefits plans and policies) for the Township of Marlboro.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Coordinated Benefits Associates, Inc.
- b. Business Administrator
- c. Chief Financial Officer
- d. Gluck Walrath LLP

The following Res. # 2007-139 (Rejecting NJDOT Intersection Improvement Plan and Authorizing Acceptance of Alternate Suggestions - Route 9 & Robertsville Road) was introduced by reference, offered by Councilman Pernice and seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION 2007-139

A RESOLUTION REJECTING THE NEW JERSEY DEPARTMENT OF  
TRANSPORTATION, DIVISION OF PROJECT PLANNING AND DEVELOPMENT'S  
INTERSECTION IMPROVEMENT PLAN AND AUTHORIZING THE ACCEPTANCE OF  
ALTERNATIVE SUGGESTIONS

WHEREAS, the Township of Marlboro wishes to develop improvements at the intersection of US Route 9 and Robertsville Road in the interest of public safety; and

WHEREAS, the Township of Marlboro contacted the Division of Project Planning and Development at the New Jersey Department of Transportation ("Department") for assistance with the desired improvements; and

WHEREAS, the Department initiated a conceptual development project to improve safety and operation associated with the existing near side jug-handle that serves northbound Route US 9 traffic for U, left and right turns in the Township of Marlboro; and

WHEREAS, the Department developed an Initially Preferred Alternative plan which included the proposal of a roundabout to meter the intersecting flow of traffic from Route US 9 with the traffic within the Marlboro Plaza Shopping Center; and

WHEREAS, the Township Engineer, Division of Police Traffic Safety Unit, and the Department through its consultant, participated in several meetings which resulted in the

incorporation of several modifications to the plan, the most substantial being the replacement of the roundabout with a conventional four-leg stop controlled intersection within the Marlboro Plaza Shopping Center; and

WHEREAS, due to concerns regarding public safety, the Division of Police disagrees with the Department's plan to direct the State highway traffic into the internal circulation aisles of the existing Marlboro Plaza Shopping Center.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that, in accordance with the recommendations of the Division of Police and Township Engineer the Mayor and Township Council are not in favor of the Department's intersection improvement plan as currently proposed including directing the State highway traffic into the internal circulation aisles of the existing Marlboro Plaza Shopping Center due to a concern for public safety in the Township of Marlboro; and

BE IT FURTHER RESOLVED, that the Mayor and Township Council reject the plan as currently proposed by the Department; and

BE IT FURTHER RESOLVED, that the Mayor and Township Council will accept further suggestions from the Department in an effort to accomplish the protection of the best interests of public safety within the Township of Marlboro.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. New Jersey Department of Transportation, Division of Project Planning and Development
- b. Sgt. Joseph Lenge, MTPD
- c. James Priolo, Township Engineer
- d. Robert DiMarco, Director of Public Works
- e. Gluck Walrath, LLP

The following Res. # 2007-140 (Award of Bid - Swim and Rec T Shirts) was introduced by reference, offered by Councilwoman Morelli and seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-140

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO  
METUCHEN CENTER, INC. FOR THE PROVISION OF T-SHIRTS  
IN VARIOUS COLORS AND SIZES FOR THE TOWNSHIP OF MARLBORO  
RECREATION DEPARTMENT AND SWIM CLUB

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of t-shirts in various colors and sizes for the Township of Marlboro Recreation Department and Swim Club; and

WHEREAS, the Township received one bid for the provision of t-shirts in various colors and sizes for the Township of Marlboro Recreation Department and Swim Club, which was submitted by Metuchen Center, Inc. having its principal office at 429 Joyce Kilmer Avenue, New Brunswick, NJ 08901 for the following amounts related to the provision of t-shirts in various colors and sizes:

<u>ITEM</u>	<u>PRICE PER SHIRT</u>
T-Shirts Youth Sizes	\$ 2.59
T-Shirts Adult Sizes	\$ 2.69
Price for 8 inch number on back	\$ 1.00
Screen Set-Up Charge	\$12.00
Repeat Screen Set-Up charge	\$ 6.00
Cost for under minimum order Youth Sizes	\$ 3.49
Cost for under minimum order Adult Sizes	\$ 3.59
Shirt Order to be separated by	
Division and Teams, Numbered on back Youth	\$ 3.59
Shirt Order to be separated by	
Division and Teams, Numbered on back Adult	\$ 3.69
Collared Golf Shirts Adult Sizes	\$ 5.69
Collared Golf Shirts Adult Addt'l Size XXX	\$ 1.90
Collared Golf Shirts Adult Addt'l Size XXL	\$ 1.80
Long Sleeve T-Shirt Adult Size	\$ 4.99
Long Sleeve T-Shirt Adult Addt'l Size XXX	\$ 1.50
Long Sleeve T-Shirt Adult Addt'l Size XXL	\$ 1.40
Lifeguard Shirt	\$ 4.69
Adult Staff Shirt	\$ 8.99
Equipment Room Shirt	
Snack Bar Shirt	\$ 5.49
Camp Shirt Youth	\$ 4.99
Camp Shirt Adult	\$ 4.99; and

WHEREAS, the Recreation Department and Swim Club and the Township Attorney have reviewed the bids received and recommend that



a contract be awarded to Metuchen Center, Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, Metuchen Center, Inc., for the provision of the aforesaid services and products.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the provision of t-shirts in various colors and sizes for the Township of Marlboro Recreation Department and Swim Club should be awarded to Metuchen Center, Inc. and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Metuchen Center, Inc. for the provision of t-shirts in various colors and sizes for the Township of Marlboro Recreation Department and Swim Club subject to the rates set forth above and in accordance with the bid proposal submitted by Metuchen Center, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the funds which will be available to cover the costs associated with the awarding of this bid are contingent upon the collection of the required fees in the Recreation Trust. Therefore the services and payments addressed by this bid are on an ongoing basis not requiring a certification of funds by the Township Chief Financial Officer; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Metuchen Center, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. # 2007-141 (Award of Bid - Travel Camp Bussing) was introduced by reference, offered by Councilwoman Morelli and seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-141

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO STOUT'S CHARTER SERVICE, INC. FOR THE PROVISION OF COACH BUS TRANSPORTATION SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF RECREATION AND AUTHORIZING THE REBIDDING OF

THE PROVISISION OF BUS TRANSPORTATION SERVICES FOR TRAVEL  
CAMP FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of bids to provide coach bus transportation services and travel camp bus transportation services for the Township of Marlboro Department of Recreation; and

WHEREAS, the Township received one bid for the provision of coach bus transportation services which was submitted by Stout's Charter Service, Inc. having its principal office at 20 Irven Street, Trenton, New Jersey, for the following amounts related to the provision of summer recreational bus service:

<u>Price</u> (Per Bus)	<u>Location</u> (*extended day trips)
\$836	The Quarry Swim Club, Hopewell, NJ
\$821	Rockville Climbing Center, Hamilton, NJ
\$817	Blackbeards Cave, Bayville, NJ
\$841	Island Beach State Park, Seaside Park, NJ
\$841	Funtown Pier, Seaside Park, NJ
\$840	Circle Line Cruises, Pier 83, New York, NY
\$803	Jenkinsons Beach, Point Pleasant, NJ
\$801	Great Adventure/Hurricane Harbor*, Jackson, NJ
\$812	Bucks County River Country*,Point Pleasant, PA
\$829	Liberty Science Center*, Jersey City, NJ
\$875	New Jersey State Aquarium*, Camden, NJ
\$889	Clementon Amusement Park & Splash World*, Clementon, NJ
\$908	Dorney Park & Wildwater Kingdom*,Allentown, PA
\$831	Citizens Bank Park*, Trenton, NJ; and

WHEREAS, the Township did not receive any bids for the provision of travel camp transportation services;

WHEREAS, the Administration and the Township Attorney have reviewed the bid submitted for coach bus transportation services and recommend that the contract for coach bus transportation services be awarded to Stouts Charter Service, Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract for the provision of coach bus transportation services to the lowest qualified bidder submitting a bid for

the provision of coach bus transportation services, Stouts Charter Service, Inc., for the provision of the aforesaid services and products.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract to provide coach bus transportation services for the Township of Marlboro Department of Recreation should be awarded to Stouts Charter Service, Inc., and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Stouts Charter Service, Inc. for the provision of bus transportation services for the Township of Marlboro Department of Recreation subject to the rates set forth above and in accordance with the bid proposal submitted by Stouts Charter Service, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the funds which will be available to cover the costs associated with the awarding of this bid are contingent upon the collection of the required fees in the Recreation Trust. Therefore the services and payments addressed by this bid are on an ongoing basis not requiring a certification of funds by the Township Chief Financial Officer; and

BE IT FURTHER RESOLVED that Administration be and is hereby authorized to rebid the contract for the provision of travel camp bus transportation services; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Stouts Charter Service, Inc.
- b. Department of Recreation
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP.

The following Res. # 2007-142 (Award of Bid - Highway Marking Machine) was introduced by reference, offered by Councilwoman Tragni and seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-142

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE  
PROVISION OF ONE (1) 2007 MODEL SELF-PROPELLED  
HIGHWAY MARKING MACHINE FOR THE TOWNSHIP OF MARLBORO  
DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of one (1) 2007 model self-propelled highway marking machine for the Township of Marlboro Department of Public Works; and

WHEREAS, the Township received two (2) bids from the following vendors in the following amounts:

- A. M-B Companies, Inc.  
1615 Wisconsin Avenue  
New Holstein, WI 53061  
\$94,065.00  
Alt. 1: \$91,571.00
- B. Kelly Creswell Co., Inc.  
261 South Collier Street  
Xenia, OH 45385  
\$105,000.00; and

WHEREAS, the Administration, the Director of Public Works, and the Township Attorney have reviewed the bids and recommend that the contract be awarded to M-B Companies, Inc. as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to the lowest qualified bidder, M-B Companies, Inc., for the provision of (1) 2007 model self-propelled highway marking machine for the Township of Marlboro Department of Public Works.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the provision of (1) 2007 model self-propelled highway marking machine for the Township of Marlboro Department of Public Works be and hereby is awarded to M-B Companies, Inc., and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and M-B Companies, Inc. for provision of (1) 2007 model self-propelled highway marking machine for the Township of Marlboro Department of

Public Works in an amount not to exceed \$94,065.00, and in accordance with the bid proposal submitted by M-B Companies, Inc.; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-960-959; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. M-B Companies, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. # 2007-143 (Award of Bid - 2007 Detention/Retention Basin) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-143

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO  
SHAMROCK LAWN AND LANDSCAPE, INC. FOR THE PROVISION OF  
DETENTION/RETENTION BASIN MAINTENANCE SERVICE FOR THE  
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of detention/retention basin maintenance service for the Township of Marlboro Department of Public Works; and

WHEREAS, two bids were received by the following vendors in the following amounts:

- A. Shamrock Lawn & Landscape, Inc.  
P.O. Box 503  
Marlboro, NJ 07746  
Existing Basins, Table I: \$141,460.00  
Pending Basins, Table II: \$ 37,280.00  
Total Contract Amount: \$178,740.00
- B. Marlboro Lawn & Landscaping, Inc.  
P.O. Box 122  
Marlboro, NJ 07746

Existing Basins, Table I: \$145,845.00  
Pending Basins, Table II: \$ 39,000.00  
Total Contract Amount: \$184,845.00; and

WHEREAS, the Administration and the Township Attorney have reviewed the bids received and recommend that a contract be awarded to Shamrock Lawn & Landscape, Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, Shamrock Lawn & Landscaping, Inc., for the provision of the aforesaid services and products.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the provision of detention/retention basin maintenance service for the Township of Marlboro Department of Public Works should be awarded to Shamrock Lawn & Landscape, Inc. and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Shamrock Lawn & Landscape, Inc. for the provision of detention/retention basin maintenance service for the Township of Marlboro Department of Public Works in an amount not to exceed \$141,460.00 for the existing basins and \$37,280 for pending basins, for a total contract amount of 178,740.00, and in accordance with the bid proposal submitted by Shamrock Lawn & Landscape, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number: T-16-58-856-806 ; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Shamrock Lawn & Landscape, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. # 2007-144 (Change Meeting Time & Location - April 26, 2007 - 7:30 PM - Greenbriar Clubhouse - 21 Clubhouse Lane) was introduced by reference, offered by

Councilwoman Tragni and seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-144

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Council meeting location for the regularly scheduled Council Meeting of April 26, 2007 be changed from Town Hall to the Greenbriar North Clubhouse, 21 Clubhouse Lane, Marlboro, New Jersey.

BE IT FURTHER RESOLVED that the meeting will begin at 7:30PM.

The following Res. # 2007-145 (Change Meeting Date and Time - Aug. 9 to Aug. 2, 2007 - 7:00 PM) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-145

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Council meeting scheduled for August 9, 2007 be changed to August 2, 2007 at 7 PM.

BE IT FURTHER RESOLVED that the meeting will take place at the usual place, Town Hall, 1979 Township Drive, Marlboro, New Jersey.

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Morelli, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor: Res. #2007-146 (Authorization to Bid - Police Bldg. Addition), Res. #2007-147 (Awarding Contract - MV Digital Productions - Curt Ciumei), Res. #2007-148 (Extension of Contract - Recreation - Camp Bussing, Res. #2007-149 (Reject and Rebid - Farm Leasing/DiMeo & McCarron), Res. #2007-151 (Raffle License - Marlboro Baseball Travel Club) and Res. #2007-152 - Raffle License Amendment - St. Gabriel's Church - (Off-Premise 50/50/).

RESOLUTION # 2007-146

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

POLICE BUILDING ADDITION

RESOLUTION # 2007-147

A RESOLUTION AWARDING A CONTRACT TO CURT CIUMEI OF MV  
DIGITAL PRODUCTIONS, LLC FOR THE PROVISION OF EXECUTIVE  
PRODUCER AND DIRECTOR SERVICES FOR THE TOWNSHIP OF  
MARLBORO CABLE STATION

WHEREAS, the Township of Marlboro is in need of an executive producer/director for the Township of Marlboro Cable Station, who will, among other things, oversee the operation of the station; create a variety of programming for the station and train the volunteers who will work on the various projects; and

WHEREAS, it is estimated that the executive producer/director will need to provide services to the Cable Station for approximately 10-12 hours per week; and

WHEREAS, a proposal was submitted by Curt Ciumei of MV Digital Productions, LLC to provide the necessary executive producer and director services for the Cable Station for an annual rate of \$15,000.00 (the "Proposal"); and

WHEREAS, because of the highly specialized nature of the services, it was impractical to obtain competitive quotations; and

WHEREAS, the Township Council desires to award a one-year contract with the option to renew for an additional one year to Curt Ciumei of MV Digital Productions, LLC for the provision of executive producer and director services for the Township of Marlboro Cable Station; and

WHEREAS, N.J.S.A. 40A:11-3 of the Local Public Contracts Law allows contracts that do not exceed in a contract year the total sum of \$21,000.00 to be awarded without public advertising for bids.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the provision of executive producer and director services for the Township of Marlboro Cable Station be and hereby is awarded to Curt Ciumei of MV Digital Productions, LLC for a period of one year with the option to renew for an additional one year and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Curt



Ciumei of MV Digital Productions, LLC in accordance with the proposal submitted; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact from Account Number 7-01- -055-286.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Curt Ciumei  
MV Digital Productions, LLC  
55 Stevenson Drive  
Marlboro, New Jersey 07746
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

RESOLUTION # 2007-148

A RESOLUTION AUTHORIZING THE EXTENSION OF THE CONTRACT  
BETWEEN GREENWOOD BUS SERVICE, INC. AND THE TOWNSHIP OF  
MARLBORO FOR THE PROVISION OF BUS TRANSPORTATION SERVICES  
FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF RECREATION

WHEREAS, by Resolution 2006-115, the Township Council awarded a contract to Greenwood Bus Service, Inc. for the provisions of daily shuttle service to swimming pools, summer camp transportation and in-state bus trips for the Township of Marlboro Recreation Department (the "Contract"); and

WHEREAS, the Contract was awarded for a period of one year and allowed for a one-year extension in accordance with N.J.S.A. 40A:11-15; and

WHEREAS, Greenwood Bus Service, Inc. provided services under the Contract in an effective and efficient manner; and

WHEREAS, the Recreation Department has recommended to the Township Council that the Contract be extended for one year; and

WHEREAS, the extension of the Contract will be for the following amounts related to the provision of daily shuttle service to swimming pools and in-state bus trips:

**Daily Shuttle Service to Swimming Pools:**

3.5 Mile- Dugan School/Swim Facility Round Trip, \$45

2.7 Mile- Marlboro Elementary/Swim Facility Round Trip, \$45  
3.6 Mile- Recreation Center/Swim Facility Round Trip, \$48  
3.6 Mile- Municipal Complex Park Round Trip, \$48  
6.1 Mile- Robertsville/Swim Facility Round Trip, \$52  
3.4 Mile- Defino Central/ Swim Facility Round Trip, \$50  
6.1 Mile- Asher Holmes/ Swim Facility Round Trip, \$52  
3.9 Mile - Middle School/ Swim, \$50  
7.7 Mile - Memorial Middle/ Swim, \$52

**Summer Camp Transportation:**

Transportation cost per camper for three weeks, \$110  
Transportation cost per camper for six weeks, \$180  
Transportation cost per camper for five weeks, \$150  
Transportation cost per camper for seventh week only, \$30

**In State Bus Trips:**

10 Mile Round Trip, \$100 per bus  
20 Mile Round Trip, \$110 per bus  
30 Mile Round Trip, \$115 per bus  
40 Mile Round Trip, \$150 per bus  
50 Mile Round Trip, \$160 per bus  
60 Mile Round Trip, \$180 per bus  
70 Mile Round Trip, \$200 per bus  
80 Mile Round Trip, \$220 per bus  
90 Mile Round Trip, \$265 per bus  
100 Mile Round Trip, \$285 per bus; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to extend the Contract for one year.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Contract to provide bus transportation services for the Township of Marlboro Department of Recreation should be extended for one year at the rates set forth above and in accordance with the Contract executed by Greenwood Bus Service, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the funds which will be available to cover the costs associated with the awarding of this bid are contingent upon the collection of the required fees in the Recreation Trust. Therefore the services and payments addressed by this bid are on an ongoing basis not requiring a certification of funds by the Township Chief Financial Officer; and

BE IT FURTHER RESOLVED, that a certified copy of this

Resolution shall be provided to each of the following:

- a. Greenwood Bus Service, Inc.
- b. Department of Recreation
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP.

RESOLUTION # 2007-149

BE IT RESOLVED by the Township Council of the Township of Marlboro that all bids heretofore received for

Farm Leasing - Township Properties

are hereby rejected and the Business Administrator is authorized and directed to return the bid bond or other security to the appropriate bidder.

BE IT FURTHER RESOLVED that the Business Administrator be and she is hereby authorized and directed to advertise for open, competitive bids for

Farm Leasing - Township Properties

as required by law.

RESOLUTION # 2007-151

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 06-07 (Off Premise 50/50) be and it is hereby granted to Marlboro Baseball Travel Club, 56 Ottawa Road South, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on June 16, 2007 at 3 PM at Marlboro Little League, Tennent Road, Morganville, N. J. 07751.

RESOLUTION # 2007 - 152

BE IT RESOLVED by the Township Council of the Township of Marlboro that an amendment to Raffle License # RL:05-07 be and it is hereby granted to St. Gabriel's RC Church, 100 North Main Street, Marlboro, New Jersey 07746 to allow a change in their off-premise 50/50 raffle (Sample Ticket Attached).

The following Resolution #2007-153 (Setting Council Budget Meetings - 4/23 - 7:00 PM - Town Hall & 4/24 - 6:30 PM - Greenbriar) was introduced by reference as amended, offered by Councilwoman Morelli seconded by Councilwoman Tragni, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-153 (AS AMENDED)

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on Monday, April 23, 2007 at 7:00 PM at the Marlboro Municipal Complex (Caucus Room, 1979 Township Drive, Marlboro, N. J. 07746. The purpose of this special meeting is to hold budget discussions. Citizen's Voice will be limited to 15 minutes. It is anticipated that no action will be taken.

The meeting will be continued, if necessary, on April 26, 2007 from 6:30 PM to 7:30 PM at the Greenbriar North Clubhouse, 21 Clubhouse Lane, Marlboro, N. J. 07746.

Regarding Item #25 (Possible Offering of Plenary Retail Distribution License by Sealed Bid) - There was a discussion between Council, Administration and the legal department. Consensus of Council was to offer the license by sealed bid for \$700,000.00.

The following items were carried to the April 26, 2007 agenda: Item #26 (Tax Collector Resolutions).

At 10:40 PM, Council Vice President Rosenthal moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-150

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 12<sup>th</sup> day of April, 2007 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 30 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 11:10PM, Council President Cantor moved that the meeting be opened. This was seconded by Councilwoman Tragni, and as there was no objection, the Clerk was asked to cast one ballot.

At 11:11PM, Council President Cantor moved that the meeting be adjourned. This was seconded by Councilwoman Tragni, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: May 17, 2007

OFFERED BY: Morelli AYES: 5

SECONDED BY: Tragni NAYS: 0

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ALIDA DE GAETA,  
MUNICIPAL CLERK

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JEFF CANTOR,  
COUNCIL PRESIDENT